

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

-against-

ROBERT J. MUELLER, DEEPROOT FUNDS
LLC (a/k/a dprt Funds, LLC), AND POLICY
SERVICES INC.,

Defendants,

-and-

DEEPROOT TECH LLC, DEEPROOT
PINBALL LLC, DEEPROOT STUDIOS LLC,
DEEPROOT SPORTS & ENTERTAINMENT
LLC, DEEPROOT RE 12621 SILICON DR LLC,
AND ROBERT J. MUELLER, JEFFREY L.
MUELLER, AND BELINDA G. BREEN, AS CO-
TRUSTEES OF THE MB HALE OHANA
REVOCABLE TRUST,

Relief Defendants.

Civil Action No.: 5:21-cv-785-XR

**DEFENDANT ROBERT J. MUELLER’S OPPOSED MOTION TO EXTEND THE
REMAINING PRETRIAL AND TRIAL DEADLINES**

TO THE HONORABLE COURT:

Defendant Robert J. Mueller (“**Mueller**”) files this Opposed Motion to Extend the Remaining Pretrial and Trial Deadlines, and in support would respectfully show:

Background

1. On February 5, 2024, the Court entered the Sixth Amended Scheduling Order and set certain pre-trial deadlines and a trial date. The following deadlines remain:

- **May 17, 2024** – deadline to file a Joint Pretrial Order and any motion *in limine*;

- **May 30, 2024** at 10:30 am – Final Pretrial Conference; and
- **June 10, 2024** – Jury Trial. (ECF No. 140).

2. The Parties have made considerable progress in settlement discussions. Without disclosing the substance of any of those discussions, it is anticipated that a resolution may be forthcoming. Mueller hopes to avoid added expense of preparing for trial that will be for naught if the settlement discussions continue on course and ultimately produce an agreed resolution.

3. Additionally, an unexpected scheduling conflict has arisen for Jason Davis, lead counsel for Muller in this case. Mr. Davis is lead counsel in an election contest case recently set for a one-week trial on May 20, 2024 in the 143rd Judicial District of Loving County in Cause No. 24-03-1107; *Leroy Medlin v. David Landersman*. See **Exhibit A**. Due to the time-sensitive nature of the relief being sought, Mr. Davis has limited time to prepare for the election contest trial and a continuance of that trial is not practicable.

4. For these combined reasons, counsel for Mueller, therefore, respectfully requests that the Court extend the remaining deadlines.

5. The undersigned counsel for Mueller has conferred with counsel for the SEC, who stated that the SEC is opposed to the relief requested herein and will be filing an opposition.

PRAYER

Defendant Robert J. Mueller respectfully requests that the Court enter an order granting the extension and extending the pretrial deadlines and trial date for at least 60 days.

Dated: May 6, 2024.

Respectfully submitted,

DAVIS & SANTOS, PLLC

By: /s/ Jason M. Davis

Jason M. Davis

State Bar No. 00793592

Email: jdavis@dslawpc.com

Caroline Newman Small

State Bar No. 24056037

Email: csmall@dslawpc.com

719 S. Flores Street

San Antonio, Texas 78204

Tel: (210) 853-5882

Fax: (210) 200-8395

Counsel for Defendant Robert J. Mueller

CERTIFICATE OF CONFERENCE

I certify that on the 6th day of May 2024, the undersigned counsel for Mueller conferred with counsel for the SEC, who indicated that they oppose the relief requested herein.

/s/ Jason Davis

Jason Davis

CERTIFICATE OF SERVICE

I certify that on the 6th day of May 2024, the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system and all counsel of record will receive an electronic copy via the Court's CM/ECF system.

/s/ Jason Davis

Jason Davis